

Docket No. 00537/164003
041A-B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David H. Coy *et al.*

Ser. No.: 10/712,081

Group Art Unit: 1614

Filed: November 13, 2003

Examiner: Cybille Delacroix-Muirheid

For: SOMATOSTATIN ANTAGONISTS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as Express mail EV493187978US with sufficient postage on the date indicated below and is addressed to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: 4-1-2005

Dawn M. Janelle
Dawn M. Janelle

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER PRIOR PATENTS**

Sir:

Your petitioners, Societe de Conseils de Recherches et d'Applications Scientifiques, S.A.S., a corporation existing under the laws of France and having its principal place of business located at 51, 53 rue du Docteur Blanche, F-75016, Paris, France and the Administrators of Tulane Educational Fund, a corporation existing under the laws of Louisiana and having its principal place of business located at 1430 Tulane Avenue, New Orleans, Louisiana 70112, United States of America, represent that they are the owners of the entire right, title and interest in U.S. Patent Application Ser. No. 10/712,081, filed November 13, 2003. Your petitioners hereby disclaim the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent

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6,262,229 and/or U.S. Patent 6,703,481 as the term of said patents is defined in 35 U.S.C. §§154 and 173, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,262,229 and/or U.S. Patent 6,703,481, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, the successors or assigns of the above owners.

In making the above disclaimer, the petitioners do not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that either later:

- (1) expires for failure to pay a maintenance fee;
- (2) is held unenforceable;
- (3) is found invalid by a court of competent jurisdiction;
- (4) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- (5) has all claims canceled by a reexamination certificate;
- (6) is reissued; and/or
- (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned, who is empowered to act on behalf of the petitioners, has reviewed the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the name of the petitioners identified prior.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine, imprisonment or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FEE STATUS
(37 C.F.R. § 1.20(d))

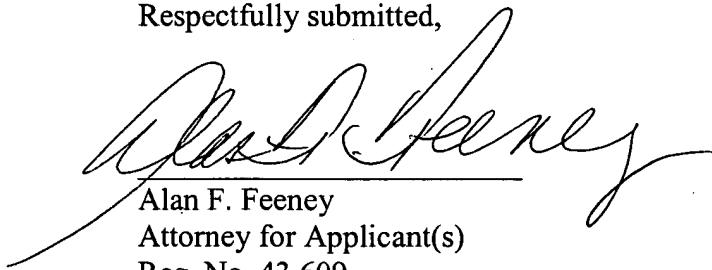
- ☒ Other than a small entity \$130.00
☐ Small entity \$ 55.00
☐ A statement is attached.
☐ A statement was already filed on _____.

FEE PAYMENT

- ☐ Attached is a check in the sum of \$ 130.00.
☐ Charge Deposit Account 50-0590 for any fee deficiency.
☒ Charge Deposit Account 50-0590 the sum of \$130.00 and for any fee deficiency that may be due. A duplicate of this disclaimer is attached.

Respectfully submitted,

4/1/2005
Date


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